

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES D. BARRY,
Plaintiff,

v.

PHILLIP M. WHEELER, *et al.*,
Defendants.

and

FRANCISCO SEURO, *et al.*,
Plaintiffs,

v.

PHILLIP M. WHEELER, *et al.*,
Defendants.

No. 4:16-CV-02248

(Judge Brann)

ORDER

APRIL 30, 2019

In accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that the Motion for Summary Judgment filed by Defendants Phillip M. Wheeler and Werner Enterprises, Inc., ECF No. 64, is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. With respect to Plaintiff James D. Barry's claims against Defendants Phillip M. Wheeler and Werner Enterprises, Inc. for punitive damages, the motion is **GRANTED**.

2. With respect to Plaintiff James D. Barry's claims against Defendant Werner Enterprises, Inc. for negligent hiring and negligent entrustment, the motion is **GRANTED**.
3. The motion is otherwise **DENIED**.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge